United Nations

A/C.3/63/3

General Assembly

Distr.: General
10 October 2008

Original: English

Sixty-third session
Item 64 (d)
Promotion and protection of human rights: comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

Letter dated 7 October 2008 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General

Allow me to inform you that Austria hosted an international expert conference on the theme "Global standards — local action" on the occasion of the fifteenth anniversary of the World Conference on Human Rights in Vienna on 28 and 29 August 2008. The conference brought together a broad representation of the global human rights community to assess progress and identify major challenges 15 years after the World Conference.

Experts held open and constructive discussions around issues of implementing international human rights standards at the local level and developed a broad range of suggestions and recommendations. A summary reflecting those recommendations is attached to the present letter (see annex). A fuller report of the conference will be published at a later stage.

I would be grateful if the present letter and its annex could be circulated as a document of the General Assembly under agenda item 64 (d).

(*Signed*) Gerhard **Pfanzelter**
Ambassador
Permanent Representative

08-54569 (E) 161008

Annex to the letter dated 7 October 2008 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General

Global standards — local action
Fifteenth anniversary of the Vienna World Conference on Human Rights

International expert conference
Vienna Hofburg, 28 and 29 August 2008

Introduction

1. On the occasion of the fifteenth anniversary of the World Conference on Human Rights, held in Vienna in 1993, as well as in commemoration of the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights on 10 December 1948, Austria hosted an international expert conference on the theme "Global standards — local action" on 28 and 29 August 2008 in Vienna.

2. The expert conference was organized by the Austrian Federal Ministry for European and International Affairs in cooperation with the Ludwig Boltzmann Institute of Human Rights and the European Training and Research Centre for Human Rights and Democracy. The conference brought together a broad representation of the global human rights community, from national institutions, civil society groups, educational institutions, the United Nations family and regional organizations, as well as human rights experts. The purpose of the conference was to assess progress and to identify major challenges 15 years after the World Conference on Human Rights, in particular regarding the status of implementation of international human rights standards at the local level, as seen from the perspective of local and regional human rights actors.

3. The conference opened with a high-level panel, which included the Acting United Nations High Commissioner for Human Rights. In a message to the conference, the Secretary-General of the United Nations called on all States and all stakeholders to redouble their efforts in order to ensure that human rights are protected and promoted and that all humans enjoy their rights. The conference was also addressed by the President of the United Nations Human Rights Council, Martin Igoeghian Uhomoibhi. In three working groups, the conference addressed in particular the following issues: challenges to national implementation of international human rights standards; human rights education; and the role of United Nations human rights mechanisms and the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the promotion and protection of human rights.

4. A central theme of the conference was the recognition of the major contribution of the World Conference on Human Rights to the strengthening of the international human rights system. It was acknowledged that the Vienna Declaration and Programme of Action has had a significant impact on the development of human rights standards and the institutions for their promotion and protection over the past 15 years, as manifested by the adoption of new instruments and the creation of new mechanisms, such as the appointment of the Special Rapporteur on violence against women and, most importantly, the establishment of OHCHR. The Vienna

Declaration and Programme of Action and the follow-up given to it since 1993 have launched the mainstreaming of human rights throughout the United Nations system.

5. Also today, the Vienna Declaration and Programme of Action stands as a milestone in the reaffirmation of the fundamental principles of the international human rights system:

- Universality of human rights;
- Indivisibility of all human rights;
- Interdependence of democracy, development and respect for human rights;
- Responsibility of all States for the fulfilment of their human rights obligations;
- Protection of human rights as a legitimate concern of the international community;
- The essential role of civil society, which must benefit from an enabling environment for their activities.

6. Overall, it was held that the existing international human rights framework was valuable and functional and should be continuously consolidated, reinforced and universalized. The biggest challenge today remains the implementation gap between international human rights standards and the reality of their implementation on the ground. The conference analysed the causes and underlying reasons for this gap and concluded that a major challenge is to ensure the necessary political will at the national and international levels.

7. The mutually reinforcing character of the technical and political aspects of human rights promotion and protection was noted. There is a need to develop strategies to overcome resistance to deal effectively with human rights violations and deficits, as well as further strengthening efforts to generate a national sense of ownership among all stakeholders. A key element in the promotion and protection of human rights is the enactment and implementation of national legislation as well as the establishment and functioning of national institutions. Human rights education and learning contribute to strengthened respect for human rights

8. In making human rights standards a reality on the ground, international and regional mechanisms should be used in a coordinated manner, and their recommendations should be implemented effectively at the local level. The linkage between human rights, security and development needs to be given practical significance, especially in activities in the field. In this regard, there is a need to continue to professionalize the human rights engagement of all stakeholders through needs and impact assessments as well as the identification of comparative advantages. A strong, independent and well resourced OHCHR is of utmost importance in discharging its primary responsibility for United Nations human rights activities.

9. The conference focused especially on the issues of national implementation, human rights education and learning, and United Nations mechanisms for the promotion and protection of human rights. The main deliberations and recommendations during the conference can be summarized as follows:

1. Challenges to national implementation of international human rights standards

10. Important progress has been made in the process of ratification of international human rights treaties over the past 15 years, although the aim of universal ratification of core human rights treaties remains an unfulfilled objective. Significant progress still needs to be made in order to meet the call of the World Conference upon Governments to withdraw reservations.

11. The World Conference devoted a substantial number of recommendations to the strengthening of national implementation measures and structures. It was pointed out that more than 100 Governments in all regions of the world have responded positively to the call of the World Conference to establish a national human rights institution. However, only half of those institutions were accredited by the International Coordination Committee as having fulfilled all the criteria of the Paris Principles, in particular concerning independence and impartiality from Governments. Many States have enacted national action plans on specific human rights issues, but only few States have so far adopted a comprehensive national action plan on all human rights.

12. States have the primary responsibility for reducing the implementation gap between their obligations under international human rights standards and the realities on the ground. To this effect, States are urged to take the following measures:

(a) Reinforce the national human rights protection framework:

- States should ratify all core international human rights treaties in order to achieve as soon as possible the aim of their universal ratification.
- States should abstain from the adoption of reservations that are incompatible with the objective and purpose of the relevant treaty and regularly review their reservations to human rights treaties with a view to withdrawing them.
- When ratifying international human rights treaties, Parliaments should ensure appropriate transformation of international rights and obligations into domestic law.
- All concluding observations, recommendations and views of international human rights monitoring bodies should be made known to all relevant domestic stakeholders in order that they may be properly implemented.
- On the basis of a thorough assessment of the legal and factual situation of human rights in the country, all States shall develop comprehensive national human rights action plans with precise time-bound targets, benchmarks and indicators.
- Special domestic implementation structures and action plans should be developed for the prevention of torture, for combating racism and for the protection of the human rights of women, migrants, children and persons with disabilities.
- All States should take the universality, indivisibility and interdependence of all human rights seriously and take the necessary action to implement economic, social and cultural rights at the national and local level.

(b) Strengthen national actors in their roles in order to implement international human rights standards:

- In order to guarantee the effective judicial protection of international human rights by domestic courts, States need to ensure that international human rights are duly translated into domestic law and that judges are provided with training and materials on core human rights norms.
- National Parliaments should play an essential role in the national implementation of human rights by enacting the necessary enabling legislation, by providing the necessary budgetary resources and by holding the Government to account. The role of local governments, as the immediate interlocutors with the people, should be taken into consideration when developing concrete measures in this regard.
- All States should establish effective and fully independent national human rights institutions with a broad mandate to implement binding international human rights standards at the domestic level. Such institutions should be established by law, in accordance with the Paris Principles, be independent from Governments and should closely cooperate with civil society, the media, the academic community, non-governmental organizations (NGOs) and Parliaments. Their mandate should include a role in the follow-up to recommendations of United Nations human rights mechanisms. They should go through the accreditation process of the International Coordination Committee in order to have an A status. They should focus on core protection issues in their day-to-day work so as to be credible to NGOs with whom better cooperation is required.
- Civil society, in particular human rights defenders, is at the forefront of the implementation of human rights at the national level and should be adequately involved in all political and legal processes concerning the implementation of human rights obligations. Where national human rights institutions do not live up to their goal of protecting human rights, civil society, and in particular NGOs, should be enabled to play an important role by placing them under scrutiny.
- For civil society to thrive, States have an obligation to create an enabling environment that guarantees the enjoyment of freedom of assembly, association and expression. More protection and support for the work of human rights defenders should be provided, and this protection should take into consideration the specific needs of different groups of human rights defenders, in particular women.

2. Human rights for all: how to spread the message

13. The Vienna Declaration and Programme of Action has placed human rights education on the international agenda. Since the 1993 World Conference on Human Rights and even the 1978 International Congress on the Teaching of Human Rights, both of which took place in Vienna, human rights education has expanded qualitatively and quantitatively in all regions due to the efforts of the United Nations system, civil society and national education institutions. Curriculum development and training activities have expanded remarkably since 2005 as have

national plans in response to the United Nations Decade on Human Rights Education (1995-2004) and the World Programme on Human Rights Education.

14. There is growing awareness of the advantages of human rights education that is pursued in a participatory learning environment and in which the learners develop their own capacity to understand and change their situation at the community level, using a holistic understanding of human rights, as reflected in the concept of "human rights learning" set forth by the General Assembly in its resolution 62/171 on the International Year of Human Rights Learning, and through civil society initiatives and strengthening local action, such as human rights cities.

15. At the same time, Governments have not fully carried out their undertakings under the Vienna Declaration and Programme of Action and the World Programme on Human Rights Education. Furthermore, the allocation of human and financial resources for human rights education at the international and national levels has not kept pace with needs. In some countries, human rights education has been politicized, and Governments have hindered the activities of human rights educators. Sometimes, mutual suspicion or ignorance results in a lack of cooperation on human rights education between Government ministries of education and NGOs.

16. The following priorities have been identified and are addressed to educators, national authorities, civil society organizations, funders, and international agencies. They should be taken up in particular in all activities pursuant to resolution 61/171 on the International Year of Human Rights Learning and the implementation and development of the World Programme on Human Rights Education, as well as through other multi-stakeholder partnerships:

(a) Methodology:

- There is a need to do more to adapt the methodologies to effective human rights education and learning. For this purpose, stakeholders need to support serious empirical research on the effectiveness of different methods and to develop mechanisms to share lessons learned about best practices, such as participant-centred learning, and platforms and networks on human rights education, research and evaluation.

- There is also a need to systemize and institutionalize the training of human rights educators in the national educational system and in community-based settings. Furthermore, public officials and professional associations responsible for the preparation and training of civil servants, police, judges, prosecutors and law enforcement officials should enhance and institutionalize human rights education into the training of these and other professions, such as health and medical practitioners and parliamentarians.

- For this purpose, more learning materials need to be made available in local languages.

(b) Monitoring and dissemination of good practice of human rights education:

- A further need is the creation and implementation of national monitoring and evaluation of human rights education, particularly the assessment of the impact of educational activities.

- Compilations of good practices documented by such research, including some now available or in preparation, should be widely disseminated.

- There is a related need for strengthening existing monitoring of human rights education by United Nations mechanisms, including treaty bodies, special procedures and the universal periodic review.

(c) Mainstreaming of human rights education:

- Intergovernmental organizations should mainstream human rights education in their daily work pursuant to the 2003 "Common understanding among United Nations agencies" and the Action 2 Plan of Action.

- Donors should introduce human rights education into their country engagements and development projects on the basis of local responsibility that generates capacity-building and ownership, including making human rights education activities relevant to local culture and languages.

- Vulnerable and marginalized groups, including persons with disabilities, migrants, minorities, prisoners, especially foreign prisoners, require special attention in human rights education, and human rights-based approaches should be used in conflict resolution, in particular in the courts.

(d) Role of the media and the use of modern technologies:

- The media are essential to effective human rights education. Human rights educators should make more use of films, especially documentaries, as a means of showing the relevance of human rights to the daily lives of the learning community. Better use should be made of new technologies, such as the creation of a virtual human rights education academy.

(e) Standard setting:

- There is a need for standards in order to formalize the obligations of States and other actors in order to create an environment conducive to human rights education and to provide adequate human and financial resources to the national education system. The current process of drafting a United Nations declaration on human rights education and training provides an opportunity for a joint effort of all stakeholders to reflect a holistic approach to human rights education and learning and to include appropriate monitoring and evaluation.

3. The role of United Nations human rights mechanisms and the Office of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights

17. Over past decades, and since the adoption of the Vienna Declaration and Programme of Action 15 years ago, a variety of human rights mechanisms, instruments and institutions have been developed within the United Nations system: Special Procedures of the Human Rights Council and treaty bodies provide Governments with important advice and guidance as to the further improvement of their human rights protection systems. The new universal periodic review mechanism of the Human Rights Council has the potential to be an important new instrument for promoting and protecting human rights worldwide. OHCHR has become an important, worldwide human rights actor with field activities in numerous countries. The full use of its role in promoting and protecting human

rights and preventing human rights violations is a paramount condition for a successful engagement of OHCHR and the United Nations system as a whole on the ground.

18. This comprehensive and still growing human rights "toolbox" is available for the use of international, national and local stakeholders in the promotion and protection of human rights. In order to meet their primary responsibilities in the field of human rights, States are encouraged to make maximum use of those instruments. An important element for the functioning and effectiveness of this toolbox is the cooperation of States with these United Nations mechanisms and institutions.

19. The diversity of the international human rights protection system requires close coordination and cooperation within the United Nations system as well as among international, regional and national stakeholders active in the field of human rights. There is a strong sense that the existing human rights mechanisms at the international level need to be not only retained and maintained but also strengthened and consolidated in order to enhance their impact on the realization and implementation of international human rights standards at the local level. To this end, the following measures are recommended:

(a) Generate full cooperation of states with United Nations human rights mechanisms:

- All States should ratify core human rights treaties, accept individual complaint procedures and offer standing invitations for special procedures.
- States should implement recommendations of human rights mechanisms in an institutionalized and effective manner.
- All stakeholders should make full use of the universal periodic review in order to optimize its potential as a non-selective and universally applicable human rights instrument. Further efforts should be made to ensure that the universal periodic review is complementary to the work of other human rights mechanisms, in particular the treaty bodies, and becomes an effective instrument of the Human Rights Council.
- In order to enhance the effectiveness of United Nations human rights mechanisms and increase the cooperation of States at all levels, a stronger link between technical cooperation and State cooperation should be established.
- A system for addressing non-cooperation should be envisaged by the Human Rights Council. As a last resort, use of the provision of General Assembly resolution 60/251 concerning the suspension of membership in the Human Rights Council should be considered.

(b) Increase the impact of the work of United Nations human rights mechanisms:

- Treaty bodies are called upon to make further progress in the harmonization of their working methods and procedures. This should be high on the agenda of the next inter-committee meeting.
- Special procedures and treaty bodies should institutionalize the sharing of information and expertise through regular briefings and common workplans.

- Treaty bodies and special procedures are encouraged to make recommendations more implementable by formulating them to be action-oriented and less abstract as well as clearly identifying their recipients.

- Treaty bodies and special procedures are encouraged to enhance the effectiveness of their recommendations by bringing them closer to the people through, inter alia, the use of modern technologies and the direct transmittal of recommendations to various actors in the country concerned.

- Close engagement of United Nations human rights mechanisms with national stakeholders, such as parliament, judges, national human rights institutions and NGOs, should be encouraged.

- States are called upon to translate recommendations into local languages in order to promote awareness and ownership.

- States are called upon to ensure the highest quality and independence in membership of treaty bodies and in the context of the nomination and election/appointment of special procedures.

(c) Enhance the impact of the work of OHCHR and the United Nations country team:

- In order to increase the effectiveness of OHCHR and United Nations field activities in the area of human rights, an ongoing needs assessment on field engagement should be undertaken in order to adapt to the evolving situation on the ground. This should also include the incorporation of exit strategies in engagement planning in the field.

- OHCHR should work for greater awareness about its mandate and functions, including its monitoring role (diagnostic evaluation of a human rights situation) among all stakeholders, in particular States.

- The Secretary-General should consider strengthening the existing mandate of United Nations country teams and resident coordinators in the promotion and protection of human rights.

- In order to strengthen the mainstreaming of human rights into the activities of United Nations country teams, OHCHR is called upon to provide tailor-made human rights training packages to the teams and resident coordinators. Moreover, human rights officers in the field should regularly compile relevant recommendations of human rights mechanisms with a view to developing implementation strategies.

- Close engagement of the United Nations country teams and OHCHR field offices with national stakeholders, such as parliaments, judges, national human rights institutions and NGOs, should be encouraged.

(d) Link the United Nations system to regional mechanisms:

- The cooperation between United Nations human rights mechanisms and those at the regional level should be enhanced in order to ensure better coordination on issues of mutual concern and to maximize synergies.

- There should be regular meetings between United Nations mechanisms and regional mechanisms in order to exchange information and share best practices in the field of human rights.

- Close engagement of regional mechanisms with national stakeholders should be encouraged.

- It should be ensured that the recommendations of regional mechanisms are duly considered in the universal periodic review process; the participation of representatives of regional mechanisms therein should be considered.

(e) Strengthen partnership between the United Nations system and civil society:

- OHCHR should develop a strategy for an institutionalized engagement of United Nations human rights mechanisms and its field presences with national actors on the ground.

- OHCHR and United Nations country teams are encouraged to facilitate the participation of national stakeholders in United Nations human rights procedures, such as treaty reporting and the Universal Periodic Review, and thereby to generate additional local ownership for follow-up.

- The monitoring capacity of local actors should be enhanced as part of OHCHR country engagement.

(f) Enhance institutional capacity:

- States are called upon to increase resources for OHCHR as the main United Nations entity responsible for the promotion and protection of human rights. Those resources should be used to further improve the servicing of treaty bodies and special procedures as well as to consolidate OHCHR field activities.

- A stronger engagement of the United Nations Security Council would generate additional political support to advance the United Nations human rights agenda. This could be facilitated through regular briefings to the Security Council by the High Commissioner for Human Rights, the integration of relevant OHCHR reports into reports from the Secretary-General to the Security Council and the strengthening of OHCHR representation in New York.

- In view of the need to further strengthen the system of promotion and protection of human rights, the establishment of a World Court on Human Rights should be considered. Also, a unified body for individual complaints procedures under human rights treaties could be envisaged.